

Memorandum Endorsement

DeLeon et al v. Dunaway et al,
7:22-cv-6039 (NSR)

USDC SDNY

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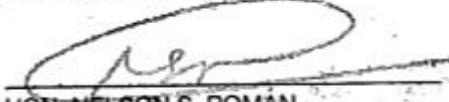
DATE FILED: 12/05/2022

The Court has reviewed Plaintiffs' attached letter motion to compel, dated November 22, 2022 (ECF No. 31), and Defendants' letters dated November 22, 2022 (ECF No. 32), November 25, 2022 (ECF No. 33), and November 28, 2022 (ECF No. 24). In light of Defendants' pending application to the Surrogate Court to appoint an Administrator, the Court hereby STAYS this action until January 30, 2023.

The Clerk of the Court is directed to terminate the motion at ECF No. 31, mail a copy of this memorandum endorsement to pro se Defendants Douglas and Michael Dunaway at their address on 4 Staub Court, Mamaroneck, NY 10543, and show service on the docket.

Dated: December 5, 2022

White Plains, NY

SO ORDERED:
HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE

LACHTMAN COHEN P.C.

245 Main Street, Suite 230
White Plains, New York 10601
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November 22, 2022

BY ECF & FAX

Hon. Nelson S. Román, U.S.D.J.
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601-4150

Re: DeLeon et al. v. Dunaway et al. | Case No. 7:22-cv-06039-NSR

Dear Judge Román:

We represent the Plaintiffs in this matter. On August 27, 2022, Defendant Douglas Dunaway filed a Rule 25 Statement noting the death of his wife, Defendant Maria Louise Dunaway. [ECF Doc. 19]. On August 30, 2022, the Court stayed this action for 90 days, until November 28, 2022. [ECF Doc. 24]. On September 14, 2022, I informed the Court that Plaintiffs intend to move for an Order, pursuant to Rule 25(a)(1), substituting the successor, administrator, or legal representative of Mrs. Dunaway's estate as the proper party as soon as possible (and no later than November 28, 2022), requested that the Court issue an order directing Mr. Dunaway to identify the successor, administrator, or legal representative of Mrs. Dunaway's estate, and further informed the Court that upon receipt of this information, Plaintiffs will promptly file a Rule 25(a)(1) motion.

That same day, the Court issued an Order "direct[ing] pro se Defendants Douglas Dunaway and Michael Dunaway to disclose the identity of the administrator, legal representative, or successor of the estate of pro se Defendant Maria Louise Dunaway, as soon as such identity becomes available and before November 28, 2022." [ECF Doc. 30]. The Court further ordered that "should the November 28, 2022 deadline expire, the Court will consider any motions for extension of such deadline that Plaintiff may file based on pro se Defendants' late disclosure of or failure to disclose the identity of the administrator, legal representative, or successor of pro se Defendant Maria Louise Dunaway's estate by the deadline." *Id.*

Mr. Dunaway has not complied with the Court's Order, and it is highly unlikely that he will do so without the threat of sanctions, contempt and/or other penalties. Thus, I respectfully request that the Court issue an order that it deems necessary and appropriate to compel Mr. Dunaway's compliance with the Court's Order and prevent further delay of this action.

I thank the Court for its time and consideration of this request.

Respectfully submitted,

LACHTMAN COHEN P.C.



Brian S. Cohen

cc: Douglas Dunaway and Michael Dunaway (by FedEx – Overnight Delivery)

Douglas Dunaway
4 Staub Court
Mamaroneck, New York 10543

November 22, 2022

U.S. District Court
United States District Court of New York (White Plains)
300 Quarropas Street
White Plains, New York
Attention: Honorable Judge Nelson Stephen Roman

Subject: Surrogate Court appointment as Administrator

Reference: Case Number 7:22-cv-06039-NSR

Dear Honorable Judge Roman,
I filed an application with the Surrogate Court requesting the court to appoint me as Administrator to my wife's estate. I have not received a reply.

Respectively yours,



Douglas Dunaway

Douglas Dunaway
4 Staub Court
Mamaroneck, New York 10543

November 25, 2022

U.S. District Court
United States District Court of New York (White Plains)
300 Quarropas Street
White Plains, New York
Attention: Honorable Judge Nelson Stephen Roman

Subject: Plaintiff's counsels Letter date 11/22/22 (Docket Document #31)

Reference: Case Number 7:22-cv-06039-NSR

Dear Honorable Judge Roman,
Contrary to Plaintiff's counsel letter, I have petitioned to be appointed as administrator as per the direction of the court. I respectfully request the court admonish the plaintiff's counsel for making spurious, incendiary, and inflammatory remarks about me. Clearly, plaintiff's counsel has a personal vendetta against me, and it is disturbing to say the least.

Respectively yours,



Douglas Dunaway

Douglas Dunaway
4 Staub Court
Mamaroneck, New York 10543

November 28, 2022

U.S. District Court
United States District Court of New York (White Plains)
300 Quarropas Street
White Plains, New York
Attention: Honorable Judge Nelson Stephen Roman

Subject: Surrogate Court Application as Administrator

Reference: Case Number 7:22-cv-06039-NSR

Dear Honorable Judge Roman,
I'm still waiting on the Surrogate Court to rule on my application. I understand there is a backlog.
Please advise myself and the Plaintiff's Counsel as to how you would like us to proceed.

Respectively submitted,



Douglas Dunaway